IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DALLON CURTIS ROBERTSON, #238661
Plaintiff :

v. : CIVIL ACTION NO. RDB-04-2949

MARY ANN SAAR, *et al.* :
Defendants

MEMORANDUM OPINION

Currently pending are: a dispositive motion and opposition response filed by the parties. (Paper Nos. 9 and 11); Defendants' supplement to the dispositive motion and Plaintiff's opposition thereto (Paper Nos. 13 and 17); and Plaintiff's "Motion for Temporary Restraining Order or Preliminary Injunction." (Paper No. 20). The parties' supplemental pleadings, read in conjunction with Plaintiff's injunctive relief request, lead the Court to conclude that this matter is not yet ripe for disposition.

In his opposition and his request for injunctive relief, Plaintiff insists that he suffers from constant pain in the liver region brought on by bile duct problems and hemochromatosis.[1] The medical documents and affidavit provided by Defendants make it abundantly clear that although one blood test did show elevated iron in the blood, Plaintiff does not have hemochromatosis and his bile ducts appear normal. The documents and affidavit also reveal that Plaintiff is examined monthly by a physician in the prison clinic. With the exception of some areas of fattiness, his liver has a relatively normal size and appearance.

While pain is subjective, and each person's response to pain differs, there is absolutely nothing in the medical record to indicate why Plaintiff claims to suffer chronic pain. The record does reveal that

[1] These assertions, in no way supported by the medical record, led the undersigned to require Defendants to file a supplement to their dispositive motion. *See* Order of January 24, 2005, docketed as Paper No. 12.

Plaintiff has been scheduled for psychological testing, which is a prerequisite to performing a liver biopsy. Until the testing is completed, determination of Defendants' dispositive motion is premature. Furthermore, the results of earlier medical testing do not support Plaintiff's request for injunctive relief at this time.

Accordingly, a separate Order shall be entered denying the request for injunctive relief and denying Defendants' dispositive motion, subject to renewal upon completion of the above-described testing. The parties additionally will be required to submit status reports on a quarterly basis, pending completion of such testing.

Dated: April 29, 2005

/s/
Richard D. Bennett
United States District Judge